

**REGULAR MEETING**  
**APRIL 3, 2003**

The Ashland Board of Commissioners met in Regular Session in the Commissioners' Chambers, City Building, Ashland, Kentucky, on Thursday, April 3, 2003, at the hour of 7:00 PM. Those present were Commissioners: Larry Branham, Larry Brown, Kevin Gunderson, Don Maxwell and Mayor Stephen E. Gilmore, who presided. Also present were: William H. Fisher, Jr., City Manager; Richard W. Martin, Corporation Counsel; Deborah Musser, City Clerk; Mark Osborne, Fire Chief; Robert W. Ratliff, Acting Chief of Police; Michelle Veach, Acting Finance Director; Steve Corbitt, Director of Public Services; Gail Melvin, Economic Development Director; Marion Russell, Assistant Director of Public Services; Kevin P. Sinnette, Assistant Corporation Counsel; Mike Rogers, Mass Transit Superintendent; Greg Rice, Safety/Risk/Insurance Manager; Bruce Craft, Recreation Division; and Reporters.

The invocation was given by Commissioner Gunderson.

The Pledge of Allegiance was conducted.

**AGENDA**

City Manager Fisher presented the agenda of April 3, 2003. Motion was made by Brown, seconded by Branham, to receive and file the agenda. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay - none. Motion passed.

**MINUTES**

Motion was made by Branham, seconded by Maxwell, to dispense with reading and approve the minutes of the Regular Meetings held on March 6 and 20, 2003 and the Recessed Meetings held on March 13 and 27, 2003. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay - none. Motion passed.

**HEARINGS AND REPORTS**

**City Manager's Report –**

A memo has been prepared and circulated to update the progress on the City's Strategic Plan.

The first meeting of the Streetscape Committee has been held. A report on cost estimates is being prepared so projects can be prioritized.

Motion was made by Maxwell, seconded by Branham, authorizing Corporation Counsel Martin to take the action necessary to condemn the lots in the area of the Central Garage to provide adequate security at this facility. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay - none. Motion passed.

**Mayor and City Commissioners' Comments –**

Commissioner Brown announced a Rally for America was being held in Central Park on Friday, April 4 from 6:00 – 8:00 PM at the bandstand. The event is on the consent agenda for approval and is being sponsored by Clear Channel Radio.

Commissioner Gunderson (1) reported on the project for improvements in the South Ashland Business District for burying utility lines underground; and (2) stated that now that 13<sup>th</sup> Street has been limited to two lanes of traffic during construction of the new road, it is a good time to petition the state legislators for construction of an urban penetrator along the CSX tracks on Route 60 to the Town Center Mall.

**REGULAR MEETING APRIL 3, 2003 CONTINUED**  
**HEARINGS AND REPORTS CONTINUED**

Commissioner Maxwell announced that in conjunction with the Summer Motion activities, the traveling exhibit of the replica of the Vietnam Wall memorial would be in Ashland July 3–6. Motion was made by Maxwell, seconded by Branham, to contribute \$1,000 to the fund for the traveling exhibit. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay - none. Motion passed.

Mayor Gilmore reflected on the contrast between citizens here pledging allegiance to the flag while armed forces members were fighting in Iraq to defend our freedom. He reminded the Commission that Mike Campbell, Trustee of the Library Board, was present at the last regular meeting to propose the construction of a solarium on the side of the library. Shawn Walker, architect, was present & updated members on the project & distributed drawings for review. Motion was made by Branham, seconded by Maxwell, to prepare an agreement with the Library Board for use of the property for the project. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay - none. Motion passed.

**PUBLIC PARTICIPATION**

Nancy Schnitzker, 1821 Hilton Ave., a 20-year employee of the Library expressed concern over flooding occurring on the site where the solarium construction is being proposed.

Betty Clair, 3032 Carter Ave., asked about plans for the construction of dressing rooms at the bandstand. Recreation Director Craft explained Crabbe Elementary is utilized for this purpose. There are currently no plans for a dressing room addition. Mrs. Clair also expressed concern about an incident where limbs were torn off trees in the Harris Linear Park. She reported a pothole on 31<sup>st</sup> St. & a blue car parked on the street between Winchester and Carter Avenues beyond the 3-day limit which was referred to the Police Department for action.

Sue Hall, 1813 Hilton Ave., reported a problem in her neighborhood with a resident on the hill. The police matter was referred to the Police Department and the garbage complaint to Code Enforcement.

**OLD BUSINESS**  
**FIRST READING & ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_\_, 2003**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF ASHLAND AND JOHN B. CHRISTIE REGARDING THE LEASING OF PARKING SPACES NORTH OF THE FLOODWALL AND WEST OF THE DEPOT PROPERTY AND REPEALING ORDINANCE NO. 100, SERIES OF 2002.

**MOTION**

Motion was made by Branham, seconded by Maxwell, to adopt Ordinance No. \_\_\_\_\_, 2003, at this its first reading.

**MOTION TO AMEND**

Motion was made by Branham, seconded by Maxwell, to amend Ordinance No. \_\_\_\_\_, 2003, by inserting a fee of \$12.00 per space per month. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**REGULAR MEETING APRIL 3, 2003**  
**ORDINANCE NO. , 2003 CONTINUED**

**VOTE ON MOTION TO ADOPT**

Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 42, 2003**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE AN AGREEMENT WITH TERRI MORGAN FOR THE INSTALLATION OF A WATER LINE EXTENSION OUTSIDE THE CITY LIMITS ON PARKVIEW DRIVE.

\* \* \* \* \*

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor of the City of Ashland, Kentucky, be and is hereby authorized to execute an agreement between the City of Ashland, Kentucky, and Terri Morgan for the installation of a water line extension outside the city limits on Parkview Drive for the Department of Public Services. A copy of said agreement is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances of the City of Ashland and any parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/STEPHEN E. GILMORE  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS:  
READOPTED BY THE BOARD OF COMMISSIONERS:  
PUBLISHED:

March 20, 2003  
April 3, 2003

**MOTION**

Motion was made by Brown, seconded by Maxwell, to adopt Ordinance No. 42, 2003, at this its second reading. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**REGULAR MEETING APRIL 3, 2003**  
**ORDINANCE NO. 43, 2003**

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 43, 2003**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT BETWEEN THE CITY OF ASHLAND AND MOUNTAIN ENTERPRISES, INC. FOR THE PURCHASE OF ALL LABOR, MATERIALS, EQUIPMENT AND SERVICES FOR THE PLACEMENT AND REPLACEMENT OF BITUMINOUS ASPHALT MATERIAL FOR THE 2003 STREET PAVING PROGRAM FOR THE DEPARTMENT OF PUBLIC SERVICES, DIVISION OF STREETS.

\* \* \* \* \*

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky and Mountain Enterprises, Inc., P. O. Box 13070, Lexington, Kentucky, for the purchase of all labor, materials, equipment and services for the placement and replacement of bituminous asphalt material for the 2003 street paving program for the Department of Public Services, Division of Streets, in an amount not to exceed those set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/STEPHEN E. GILMORE  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS:	March 20, 2003
READOPTED BY THE BOARD OF COMMISSIONERS:	April 3, 2003
PUBLISHED:	

**MOTION**

Motion was made by Gunderson, seconded by Branham, to adopt Ordinance No. 43, 2003, at this its second reading. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**REGULAR MEETING APRIL 3, 2003**  
**ORDINANCE NO. 44, 2003**

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 44, 2003**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND APPROVING CHANGE ORDER NO. 3 DATED FEBRUARY 19, 2003, BETWEEN THE CITY OF ASHLAND, KENTUCKY AND FIELDS EXCAVATING, INC. FOR A CONTRACT DATED SEPTEMBER 17, 2002 REGARDING THE 25<sup>TH</sup> STREET AREA STORM RELIEF PROJECT.

\* \* \* \* \*

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Change Order No. 3 dated February 19, 2003 in the contract dated September 17, 2002 and authorized by Ordinance No. 102, 2002 between the City of Ashland, Kentucky and Fields Excavating, Inc. for the 25<sup>th</sup> Street area Storm Relief Project are hereby approved as follows:

**Change Order No. 3 – Dated February 19, 2003**

Replacement of the existing 60" diameter sewer and a five (5) day contract time extension

Original Contract Price	\$2,091,238.00
Previous Change Orders	(45,154.14)
Contract Price prior to this Change Order	2,046,083.86
Net Increase of this Change Order	10,240.27
Contract Price with all approved Change Orders	\$2,056,324.13

Original Contract Time	210 days
Previous Change Orders	0 days
Contract time prior to this Change Order	210 days
Net Increase of this Change Order	5 days
Contract Time with all approved Change Orders	215 days

A true copy of Change Order No. 3 is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances of the City of Ashland and any parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/STEPHEN E. GILMORE  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS:	March 20, 2003
READOPTED BY THE BOARD OF COMMISSIONERS:	April 3, 2003
PUBLISHED:	

**REGULAR MEETING APRIL 3, 2003**  
**ORDINANCE NO. 44, 2003 CONTINUED**

**MOTION**

Motion was made by Brown, seconded by Maxwell, to adopt Ordinance No. 44, 2003, at this its second reading. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 45, 2003**

AN ORDINANCE OF THE CITY OF ASHLAND,  
KENTUCKY, ADOPTING A POLICY REGARDING THE  
DESIGNATION OF SMOKING AND NON-SMOKING  
AREAS IN OR ON MUNICIPAL PROPERTIES.

\* \* \* \* \*

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the Board of City Commissioners of the City of Ashland hereby adopts a policy regarding the designation of smoking and non-smoking areas in or on municipal properties. Said policy is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances of the City of Ashland and any parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/STEPHEN E. GILMORE  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS:	March 20, 2003
READOPTED BY THE BOARD OF COMMISSIONERS:	April 3, 2003
PUBLISHED:	

**MOTION**

Motion was made by Branham, seconded by Brown, to adopt Ordinance No. 45, 2003, at this its second reading. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**DISCUSSION ITEM**

**Sign Ordinance Appeal by Tim Caines, 2166 Winchester Avenue** – Motion was made by Brown, seconded by Branham, granting the appeal and authorizing the preparation of an ordinance authorizing the use of the right-of-way. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**REGULAR MEETING APRIL 3, 2003**  
**RESOLUTION NO. 13, 2003**

**CONSENT AGENDA**

**RESOLUTION NO. 13, 2003**

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING, AUTHORIZING AND APPROVING THE COURSE OF ACTION RECOMMENDED BY THE CITY MANAGER ON THE ITEMS APPEARING ON THE CONSENT AGENDA FOR THE REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS OF **APRIL 3, 2003**.

\* \* \* \* \*

BE IT RSOLVED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. The Board of City Commissioners hereby adopts, authorizes and approves the action recommended by the City Manager on each item appearing on the "Consent Agenda" for the meeting of **April 3, 2003**. Attached hereto and incorporated herein, as if set out in full, is a copy of the "Consent Agenda" hereby adopted, authorized and approved.

SECTION 2. This resolution shall be in full force and effect from and after its adoption, as required by law.

/s/STEPHEN E. GILMORE  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: April 3, 2003

**MOTION**

Motion was made by Brown, seconded by Maxwell, to adopt Resolution No. 13, 2003. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**NEW BUSINESS**

**EMERGENCY CLAUSE**

**FIRST & SECOND READING & FINAL ADOPTION**

**ORDINANCE NO. 46, 2002**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO SUBMIT A GRANT APPLICATION TO THE KENTUCKY HOUSING CORPORATION UNDER THE EMERGENCY SHELTER GRANT PROGRAM TO BE DISTRIBUTED TO PATHWAYS, INC., THE SHELTER OF HOPE, INC., THE SAFE HARBOR OF NORTHEASTERN KENTUCKY, COMMUNITY ASSISTANCE REFERRAL SERVICE AND SALVATION ARMY OF ASHLAND AND DECLARING AN EMERGENCY TO EXIST TO ALLOW TWO READINGS OF THIS ORDINANCE ON THE SAME DAY.

**REGULAR MEETING APRIL 3, 2003**  
**ORDINANCE NO. 46, 2003 CONTINUED**

\* \* \* \*

WHEREAS, the Kentucky Housing Corporation, has made available funds under an Emergency Shelter Grants Program;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Stephen E. Gilmore, Mayor of the City of Ashland, Kentucky, is hereby authorized and directed to execute and submit on behalf of said City a grant application to the Kentucky Housing Corporation under the Emergency Shelter Grant Program; to be distributed to Pathways, Inc., Shelter of Hope, Inc., the Safe Harbor of Northeastern Kentucky, Community Assistance Referral Service and Salvation Army of Ashland. A true copy of said grant application is attached hereto and made a part hereof by reference.

SECTION 2. That Stephen E. Gilmore, Mayor of the City of Ashland, Kentucky, is hereby authorized and directed to execute any and all other documents relating to said grant.

SECTION 3. Due to the need to meet the deadline of April 9, 2003 and the Board of Commissioners is not scheduled to hold another regular meeting until April 17, 2003, an emergency is hereby declared to exist and the rules requiring this ordinance to be read on two separate days are hereby suspended.

SECTION 4. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflicts only, are hereby repealed.

SECTION 5. This ordinance shall be in full force and effect from and after its adoption and readoption as provided in Section 3, and shall later be published, as required by law.

SECTION 6. It is hereby authorized that publication of this ordinance be in summary form.

/s/STEPHEN E. GILMORE  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS:	April 3, 2003
READOPTED BY THE BOARD OF COMMISSIONERS:	April 3, 2003
PUBLISHED:	

**MOTION**

Motion was made by Branham, seconded by Brown, to adopt Ordinance No. \_\_\_\_\_, 2003, at this its first reading. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**SUSPENSION OF RULES**

Motion was made by Branham, seconded by Gunderson, to suspend the rules requiring this ordinance to be read on two separate days. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**READOPTION**

Motion was made by Maxwell, seconded by Branham, to adopt Ordinance No. 46, 2003, at this its second reading. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.



**REGULAR MEETING APRIL 3, 2003**  
**ORDINANCE NO. \_\_, 2003**

**FIRST READING & ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_, 2003**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE A CONTRACT WITH THE COMMONWEALTH OF KENTUCKY, KENTUCKY STATE POLICE, GOVERNOR'S HIGHWAY SAFETY PROGRAM, ON BEHALF OF THE ASHLAND POLICE DEPARTMENT IN THE AMOUNT OF \$10,000.00.

**MOTION**

Motion was made by Branham, seconded by Maxwell, to adopt Ordinance No. \_\_\_\_, 2003, at this its first reading. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay - none. Motion passed.

**FIRST READING & ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_, 2003**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO SUBMIT THE 2003/2004 GRANT APPLICATION TO THE FEDERAL TRANSIT ADMINISTRATION ON BEHALF OF THE ASHLAND BUS SYSTEM FOR OPERATING COSTS IN THE AMOUNT OF \$210,000.00; CAPITAL ASSISTANCE REIMBURSEMENT FOR PREVENTIVE MAINTENANCE IN THE AMOUNT OF \$75,000.00; CAPITAL ASSISTANCE FOR PARATRANSIT SERVICE IN THE AMOUNT OF \$48,294.00; AND CAPITAL ASSISTANCE FOR INDIVIDUAL ITEMS TOTALING \$145,000.00; AND FURTHER AUTHORIZING AND DIRECTING STEPHEN E. GILMORE, MAYOR, TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR THE IMPLEMENTATION OF THIS GRANT.

**MOTION**

Motion was made by Branham, seconded by Brown, to adopt Ordinance No. \_\_\_\_, 2003, at this its first reading. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay - none. Motion passed.

**FIRST READING & ADOPTION ONLY**

**ORDINANCE NO. \_\_\_\_, 2003**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, REPEALING ORDINANCE NO. 20, SERIES OF 1987, WHICH AUTHORIZED A LOADING ZONE ON THE WEST SIDE OF 16<sup>TH</sup> STREET BETWEEN BATH AVENUE AND THE ALLEY.

**REGULAR MEETING APRIL 3, 2003**  
**ORDINANCE NO. , 2003 CONTINUED**

**MOTION**

Motion was made by Gunderson, seconded by Maxwell, to adopt Ordinance No. \_\_\_\_\_, 2003, at this its first reading. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay - none. Motion passed.

**READING & ADOPTION**

**RESOLUTION NO. 14, 2003**

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY, ESTABLISHING A POLICY ON RULES OF PROCEDURE FOR PUBLIC PARTICIPATION DURING MEETINGS OF THE ASHLAND BOARD OF CITY COMMISSIONERS.

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WHEREAS, the Ashland Board of City Commissioners wishes to encourage public participation in an orderly manner which gives everyone a reasonable opportunity to present his or her viewpoint for consideration by the Board;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. An individual shall not address the Board without first being recognized by the Mayor.

SECTION 2. Upon recognition, the individual should proceed to the podium and state his or her full name, residential address, and the topic to be addressed. Speakers shall address the Board only – not the audience. Speakers shall address only one topic during each presentation.

SECTION 3. Speakers shall be limited to a presentation of five (5) minutes unless such period of time is extended by a vote of the Board. The Board may shorten the time allotted if multiple speakers are anticipated.

SECTION 4. No individual will be given an opportunity to speak a second time on the same issue until all others wishing to make a presentation on the subject have had the opportunity to do so.

SECTION 5. When a person(s) becomes unruly, the Mayor may declare said person(s) to be out of order and, if necessary, in forfeit of their opportunity to speak further. Person(s) may be excluded for breach of the peace. Clapping and cheering are inappropriate.

SECTION 6. There shall be available complaint forms to be filled out by the individual, if appropriate, to be referred to the applicable department. The Board may in its discretion request the City Manager to report back to the Board and to the individual.

SECTION 7. These rules are intended to supplement Robert's Rules of Order, which the Board has adopted. Where inconsistencies or conflict may exist between these rules and Robert's Rules of Order, these rules shall prevail.

SECTION 8. This resolution shall be in full force and effect from and after its adoption, as required by law.

/s/STEPHEN E. GILMORE  
MAYOR

ATTEST:

/s/DEBORAH MUSSER  
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: April 3, 2003

**REGULAR MEETING APRIL 3, 2003**  
**RESOLUTION NO. 14, 2003 CONTINUED**

**MOTION**

Motion was made by Brown, seconded by Branham, to adopt Resolution No. 14, 2003.

**MOTION TO AMEND**

Motion was made by Branham, seconded by Gunderson, to amend Resolution No. 14, 2003, to a five minute limitation. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**VOTE ON MOTION TO ADOPT**

Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**MOTION**

Motion was made by Maxwell, seconded by Branham, requiring the replacement of curbs where necessary in conjunction with paving projects and that Director of Public Services Corbitt prepare a cost estimate on the repair for review prior to beginning the work. Upon roll call, voting aye were Commissioners Branham, Brown, Gunderson, Maxwell and Mayor Gilmore. Nay – none. Motion passed.

**RECESS**

Mayor Gilmore declared the meeting recessed at 8:30 PM until 4/17/2003 at 10:00 AM.

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STEPHEN E. GILMORE  
MAYOR

ATTEST:

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DEBORAH MUSSER  
CITY CLERK